IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE PIUS C.KURIAKOSE

TUESDAY, THE 20TH MARCH 2007 / 29TH PHALGUNA 1928

WP(C).No. 34606 of 2006(T)

PETITIONER:

K.S. WILLIAMS, S/O.SIMONVAIDYAR,
AGED 36 YEARS, KUNDUKULANGARA HOUSE,
CHELAKARA (VIA), P.O. THONNURKKARA.

BY ADV. SRI.C.A.CHACKO
SMT.C.M.CHARISMA
SRI.N.A.SHAFEEK

RESPONDENTS:

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1. STATE OF KERALA, REP. BY SECRETARY
TO GOVERNMENT, LOCAL SELF GOVT.DEPARTMENT,
SECRETARIAT, TRIVANDRUM.

2. CHELAKKARA GRAMA PANCHAYATH,
REP. BY ITS SECRETARY, CHELAKKARA.

3. THE HEALTH INSPECTOR,
PRIMARY HEALTH CENTRE, THONNURKARA,
CHELAKKARA.

4. K.S. CHERIAN, KUNDUKULANGARA HOUSE,
CHELAKARA (VIA), P.O.THONNURKKARA.

ADDL 5. THE SENIOR ENVIRONMENTAL ENGINEER,
POLLUTION CONTROL BOARD, ERNAKULAM.
(IMPLEADED AS PER ORDER DT.05.01.07 IN WPC 34606/06)

R1 BY ADV. SMT. T.B. RAMANI, GOVT. PLEADER.
R2 BY ADV. SRI.SHOBY K.FRANCIS
R3 & ADDL R5 BY ADV. SRI.M.K.CHANDRA MOHANDAS
SRI.PHILIP M.VARUGHESE

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 20/03/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

PIUS C. KURIAKOSE, J.

W.P.(C) No. 34606 OF 2006

Dated this the 20th day of March, 2007

JUDGMENT

The petitioner who has been conducting a pig farm without consent from the Pollution Control Board and without any licence from the local authority and in violation of the directions issued by the Public Health Authority seeks a writ of mandamus directing the 3rd respondent, the Health Inspector, Primary Health Centre, Thonnurkkara, Chelakkara not to remove the pig farm conducted by him pursuant to Ext.P1 till such time as Ext.P2 submitted by him before the 3rd respondent is considered and disposed of. Yet another prayer in the petition is that Ext.P3 licence application submitted by him before the 2nd respondent-Panchayat be directed to be considered. The third prayer in the Writ Petition is that the 3rd respondent be directed to consider Ext.P4 application.

Statements have been filed by the Panchayat, the Pollution Control Board and also by the 3rd respondent. It will be seen from the statements that presently the petitioner has neither obtained licence from the Panchayat nor any consent from the Pollution Control Board or any permission to continue the pig farm. The learned counsel for the petitioner submits that though an undertaking had been given to close

down the pig farm, subsequently Ext.P4 has been submitted before the 3rd respondent. Government Pleader submits that Ext.P4 has not been favourably considered at all by the 3rd respondent. Obviously, the petitioner does not have any licence from the local authority or consent from the Pollution Control Board and his conduct of the pig farm is opposed by the 3rd respondent on the ground that it causes nuisance to the public. I do not think that this Court will be justified in exercising its extraordinary jurisdiction under Article 226 for granting relief to the petitioner. The Writ Petition will stand dismissed.

PIUS C. KURIAKOSE, JUDGE

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